

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 20, 2009

D053815 McAvoy v. Superior Court of San Diego County/Levine et al
The petition is denied.

D052082 San Diego Unified School District v. County of San Diego
Summary judgment is reversed. Each party to bear its own costs. Huffman, J.;
We Concur: McConnell, P.J., Benke, J.

D051866 Nissanoff et al. v. Balikian
The judgment is affirmed. Balikian is awarded his costs of appeal. McIntyre, J.;
We Concur: Huffman, Acting P.J., Haller, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 21, 2009

D052403 In re Marriage of Shustak

The judgment is affirmed. Andrea shall recover her costs on appeal. Nares, J.;
We Concur: Benke, Acting P.J., Irion, J.

D051623 Loretz v. City of Chula Vista

The order is affirmed. The City is awarded its costs on appeal. McIntyre, J.;
We Concur: Huffman, Acting P.J., Haller, J.

D050934 In re Viray on Habeas Corpus

The Governor's decision to reverse the Board's order granting parole to Viray is vacated, and the Board's parole release order is reinstated. In the interests of justice, this opinion is made final as to this court seven days from the date of filing. (Cal. Rules of Court, rule 8.264(b)(3).)
McIntyre, J.; We Concur: Haller, Acting P.J., McDonald, J.

D053392 Fashion Valley Mall, LLC v. Animal Protection and Rescue League et al.

Upon written request filed by appellant, the appeal filed on July 3, 2008, is dismissed and the remittitur is ordered to issue immediately.

D053392 Fashion Valley Mall, LLC v. Animal Protection and Rescue League et al.

Upon written request filed by cross-appellants, the cross-appeal filed on July 28 2009, is dismissed and the remittitur is ordered to issue immediately.

D052943 Tang v. CS Clean Systems AG

The request for publication is denied.

D052931 People v. Gardner

The judgment is affirmed. Aaron, J.; We Concur: Huffman, Acting P.J., Irion, J.

D051015 In re Vasquez on Habeas Corpus

The Governor's decision to reverse the Board's order granting parole to Vasquez is vacated, and the Board's parole release order is reinstated. In the interests of justice, this opinion is made final as to this court seven days from the date of filing. (Cal. Rules of Court, rule 8.264(b)(3).)
CERTIFIED FOR PUBLICATION. McIntyre, J.; We Concur: Haller, Acting P.J., McDonald, J.

D051418 In re Erico G., a Juvenile

The petition for rehearing is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 21, 2009 (Continued)

D054234 V.T., v. M.T.

Pursuant to California Rules of Court, rule 8.140, the appeal filed December 04, 2008, is
DISMISSED for appellant's failure to timely designate the record (Cal. Rules of Court, rule
8.121(a)).

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 22, 2009

D051962 People v. House

The judgment is affirmed. Irion, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D052429 People v. Williams

Affirmed. Irion, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D051609 Aladdin Companies Inc., et al. v. Chichi et al.

D052567 Aladdin Companies Inc., v. Chichi et al.

(Consolidated)

The judgment is affirmed. The parties are to bear their own costs on appeal. McConnell, P.J.; We Concur: Haller, J., McDonald, J.

D052585 Lyman v. Mercedes-Benz USA, LLC

The judgment is affirmed. Aaron, J.; We Concur: Benke, Acting P.J., McDonald, J.

D052696 Carter Jr. v. Baldwin

The judgment is affirmed. Irion, J.; We Concur: McConnell, P.J., Aaron, J.

D051720 People v. Flowers

The judgment is affirmed. Haller, J.; We Concur: McConnell, P.J., Huffman, J.

D052631 In re Marriage of Luntz

The order is affirmed. Parties to pay their own costs on appeal. Haller, J.; We Concur: McConnell, P.J., McDonald, J.

D052584 Community Youth Athletic Center v. City of National City et al.

The judgment is reversed with directions to the trial court to allow leave to republish the summons as to the entire complaint. Each party shall bear its own costs on appeal. CERTIFIED FOR PUBLICATION. Huffman, J.; We Concur: McConnell, P.J., McIntyre, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 22, 2009 (Continued)

D052130 Bischoff v. LCG Blue Inc., et al.

The judgment is reversed and the matter is remanded for a determination of whether, at the time the defendants began operating the bar in March 2004 they converted the then existing furniture, fixtures and inventory. If the trial court finds the tangible assets were converted, the trial court is directed to enter judgment in Bischoff's favor in an amount equal to the value of the tangible assets. Appellants to recover their costs of appeal. Benke, Acting P.J.; We Concur: McIntyre, J., Irion, J.

D053154 In re Cristian O. et al., Juveniles

The judgment is reversed. The court is directed to order Agency to prepare a complete assessment report. The court is further directed to hold a new hearing under section 366.26 to select and implement a permanent plan for the minors. Benke, J.; We Concur: McConnell, P.J., Aaron, J.

D052419 In re D.R., a Juvenile

The order of probation is ordered modified as above stated; in all other respects the orders of the trial court are affirmed. Benke, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D052462 Mustafa v. Anderson Appraisal Services, Inc.

The judgment is reversed and the trial court directed to enter an order denying summary adjudication of Mustafa's causes of action for intentional and negligent misrepresentation and conspiracy and granting summary adjudication of his causes of action for breach of fiduciary duty/negligence and intentional infliction of emotional distress. Mustafa shall recover his costs on appeal. O'Rourke, J.; We Concur: Benke, Acting P.J., Nares, J.

D052148 People v. Wiedrich

The order is affirmed. O'Rourke, J.; We Concur: Haller, Acting P.J., McIntyre, J.

D052573 Panther v. Chapin, Fleming, McNitt, Shea & Carter et al./Baum/Panther

The parties' stipulation to dismiss the appeal is ACCEPTED. The appeal is DISMISSED and the remittitur is ordered to issue immediately. Each party shall bear its own costs on appeal. (Cal. Rules of Court, rule 8.244(c)(2).)

D051509 Panther v. Chapin, Fleming, McNitt, Shea & Carter et al.

Upon written stipulation filed by the parties to the appeal, the appeal is DISMISSED and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).) Each party to bear own costs on appeal.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 23, 2009

D054228 Engstrom v. Giba

The appeal filed December 4, 2008, is dismissed because appellant did not timely deposit costs for preparing the record on appeal (Cal. Rules of Court, rules 8.122(c), 8.130(b), 8.140).

D050719 Cristler et al. v. Express Messenger Systems, Inc.

Affirmed. Irion, J.; We Concur: Nares, Acting P.J., Aaron, J.

D054438 Dunbar v. Superior Court of San Diego County/People

The petition for writ of mandate has been read and considered by Justices McIntyre, O'Rourke and Irion. The petition is denied.

D054082 Dunn's Discount Guns and Sporting Goods, Inc. v. The Superior Court of San Diego County/Andoniah

The petition is denied.

D054422 Hynan v. The Superior Court of San Diego County/People

The petition is denied.

D053746 In re Gilberto E. et al., Juveniles

The orders are affirmed. Huffman, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D054370 Almaraz et al. v. Superior Court of San Diego County/Sharp Healthcare et al.

The petition is denied. The stay is VACATED.

D053273 In re Nicolas T., a Juvenile

The petition for rehearing is denied.